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R 101026Z SEP 09  
FM AMEMBASSY JAKARTA  
TO SECSTATE WASHDC 3285

UNCLAS JAKARTA 001510

STATE FOR EAP/PD

E.O. 12958: N/A

TAGS: [KPAO](#) [KDEM](#) [ID](#) [OPRC](#)

SUBJECT: INDONESIAN STATE SECRECY BILL MAY THREATEN PRESS  
FREEDOM

11. (U) SUMMARY: Respected journalists and media advocacy groups have urged Indonesian President Susilo Bambang Yudhoyono to veto the so-called state secrecy bill. Articles in the state secrecy bill state that journalists who publish information the Government of Indonesia deems as a state secret can be jailed and fined. The Ministry of Defense and Indonesian lawmakers who support the bill are attempting to pass the legislation before the end of the current legislative term in late September. Press freedom advocates see the legislation as a threat to the press freedoms, and to the public's right to information. If the proposed bill passes, it may be seen as a setback to Indonesia's press freedom. END SUMMARY

#### ORIGINS OF THE BILL

12. (U) The state secrecy bill defines a state secret as any information, or activity that has been officially declared confidential by the President, or Ministry acting in the authority of the President, and that the dissemination of such information could threaten the sovereignty of the state. Originally proposed in 1999, the bill was meant to protect the country's vital strategic information from spies. Several changes to that bill were made after the Ministry of Defense became responsible for drafting the state secrecy bill in 2004. Violators could face up to twenty years in prison, and a maximum \$100,000 fine.

13. (U) Press freedom and democracy advocacy groups are concerned about the potential passage of the bill. The groups accuse Indonesian lawmakers of not carefully deliberating the state secrecy bill before legislative session ends in September. As a result of high turnover in legislative elections last April, outgoing lawmakers have been accused of not considering the ramifications of the bill. Several lawmakers were noticeably absent from legislative committee hearings to discuss the bill. Press freedom groups remain worried that there are not enough lawmakers to oppose passage of the bill.

#### IMPLICATIONS

14. (U) The implications of the state secrecy bill remain ambiguous to many opponents of the bill. If the bill were to pass, press freedom advocates cite violations in international transparency agreements signed by Indonesia. Opponents claim that the bill would give the Indonesian government the authority to revoke media permits charged with revealing state secrets. Public information, such as the state budget and defense contracts, would be deemed a state secret, thus could be ripe for corruption. Academics assert that the bill is inconsistent with the Freedom of Information Law, which could implicate researchers and university lecturers if they are caught revealing supposed "state secrets."

Lastly, human rights advocates state that human rights violators could escape justice if information pertaining to them is classified as a state secret.

#### BILL LACKS DETAILS

15. (U) The lack of clarity in the proposed legislation is a cause of concern among journalists. The bill does not provide adequate disclosure on what exactly is deemed a state secret. As a result, journalists unknowingly reporting on sensitive matters may fall prey to threats from government officials. These journalists would face prosecution on revealing information that was previously deemed a state secret.

#### DEFENSE MINISTER SUPPORTS THE BILL

16. (U) Working with supporters in the legislature, Indonesian Defense Minister Sudarsono is now pressing for legislative approval of the bill. The Defense Minister said that such a bill is necessary because sensitive information could easily leak onto the Internet, making it impossible to protect state secrets. Minister Sudarsono denied that the bill would infringe on press freedoms and democracy. Minister Sudarsono stated that the "ambiguity of clauses [in the bill] are the essence of democracy because in a democracy, there are many interests that need to be served." Minister Sudarsono also stated that the Freedom of Information Law served as the basis in drafting the state secrecy bill, and that the government was committed to upholding transparency and accountability.

17. (U) There is little indication from President Yudhoyono on whether he would sign or veto the state secrecy bill. Surprising, the bill did not solicit much discussion during the presidential elections in July 2009. However, an advisor to President Yudhoyono stated that the President would not pressure the lame duck legislature to pass the bill before September. The advisor continued that the bill was necessary in order to protect Indonesian interests, but it must also adhere towards maintaining an open and transparent democracy

18. (U) Many democracy and press freedom organizations believe that passage of the state secrecy bill would be a step backwards in Indonesia's strengthening democracy movement and existing press freedoms. Disagreements within the legislative and executive branches only cloud the issue surrounding the bill. If it does pass, Indonesian journalists could be denied public information, and may be threatened by government official for revealing state secrets that were not initially revealed as state secrets.

HUME